

Patent US 210D1  
Edwards Ref: RMI-5707 CIP4CONSDIV  
(formerly 269/089)

### REMARKS

Applicants thank the examiner for taking the time on January 27, 2005, to discuss the pending office action with John Kappos and Diane Wong of O'Melveny & Myers LLP. In the discussion, applicants noted that the limitations in claim 1 specifying that "*an axis of the filter extending perpendicular to an axis of the tubular member*" and in claim 14 specifying that "*the apex of the filter is distal the opening*" were not considered in the pending office action. The examiner indicated that he would reconsider the currently pending claims.

Reconsideration of the rejections set forth in the Final Office Action mailed December 2, 2004, is respectfully requested. Claims 1-22 remain pending in this case.

### Art Rejections

Claims 1-13 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Miller et al. (U.S. Patent No. 5,549,626).

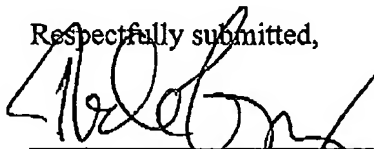
Applicants assert that Miller et al. does not teach or suggest a filter having a generally conical shape having "*an axis of the filter extending perpendicular to an axis of the tubular member*" or wherein "*the apex of the filter is distal the opening*," as required by claims 1 and 14, respectively. As depicted in Figures 1-4, the vena cava filter described in Miller et al. has an axis that is parallel, not perpendicular, to the tubular member. In addition, the apex of the filter is proximal to the opening. Claims 2-13 and 15-22 depend from claims 1 and 14, respectively, and therefore are patentably distinct for the same reasons cited above.

Patent US 210D1  
Edwards Ref: RMI-5707 CIP4CON5DIV  
(formerly 269/089)

**CONCLUSION**

For the above reasons, pending Claims 1-22 are in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, a telephone call to the undersigned at 949-250-6856 is welcomed and encouraged.

Respectfully submitted,



Date: February 3, 2005

Theodore Lopez, Reg. No. 44,881  
Edwards Lifesciences LLC  
Law Department  
One Edwards Way  
Irvine, California 92614  
Telephone: (949) 250-6856  
Facsimile: (949) 250-6850  
Customer No. 30452